

ATTACHMENT 3

Proposed Order Granting Forty-First Omnibus Objection (Non-Substantive) of the Puerto Rico Highways and Transportation Authority and Employees Retirement System of the Government of Puerto Rico to Duplicate and Incorrect Debtor Claims

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to HTA and ERS.

**ORDER GRANTING FORTY-FIRST OMNIBUS OBJECTION (NON-SUBSTANTIVE)
OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY AND
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF PUERTO RICO
TO DUPLICATE AND INCORRECT DEBTOR CLAIMS**

Upon the *Forty-First Omnibus Objection (Non-Substantive) of the Puerto Rico Highways and Transportation Authority and Employees Retirement System of the Government of Puerto Rico to Duplicate and Incorrect Debtor Claims* (“Forty-First Omnibus Objection”)² filed by the Puerto Rico Highways and Transportation Authority (“HTA”) and Employees Retirement System of the Government of Puerto Rico (“ERS”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), dated June 6, 2019, for entry of an order partially reclassifying and partially disallowing certain claims filed against HTA or ERS, as more fully set

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Forty-First Omnibus Objection.

forth in the Forty-First Omnibus Objection and the supporting exhibits thereto; and the Court having jurisdiction to consider the Forty-First Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Forty-First Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and each of the claims identified in the column titled “Asserted” in Exhibit A to the Forty-First Omnibus Objection (collectively, the “Duplicate and Incorrect Debtor Claims”) being partially duplicative and partially filed in the wrong case; and the Court having determined that the relief sought in the Forty-First Omnibus Objection is in the best interest of the Debtors, their creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Forty-First Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Forty-First Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the claims identified in the column titled “Asserted” in Exhibit A to the Forty-First Omnibus Objection are hereby reclassified in part to be claims asserted against another of the Debtors, as set forth in the column titled “Corrected” in Exhibit A to the Forty-First Omnibus Objection; and it is further

ORDERED that the Debtors’ right to object to the Reclassified Claims is reserved; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed, in the official claims register in the Title III cases, to move the portions of each of the Duplicate and Incorrect Debtor Claims from the HTA Title III Case or ERS Title III Case, to the Title III case(s) for another of the Debtors,

as identified in the column titled “Corrected” in Exhibit A to the Forty-First Omnibus Objection;
and it is further

ORDERED that, to the extent the Duplicate and Incorrect Debtor Claims assert liability associated with bond(s) issued by HTA or ERS that are duplicative of one or more master proofs of claim filed in the Title III Cases, the claims are hereby disallowed; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the disallowed portion of the Duplicate and Incorrect Debtor Claims from the official claims register in the HTA Title III Case or ERS III Case, as applicable; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge